

United States Government

## NATIONAL LABOR RELATIONS BOARD

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

February 3,  
2006

Mr. William Speer  
912A Waddell Road  
McDermott, Ohio 45652

Re: WALLER BROTHERS STONE CO.  
Case 9-RD-2097

Dear Mr. Speer:

Your petition seeking an election among certain employees of Waller Brothers Stone Co. has been carefully investigated and considered.

***Decision to dismiss:*** Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your petition for the following reasons:

Your petition was filed on January 30, 2006, and seeks to decertify the Union, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, AFL-CIO-CLC, as the representative of the Employer's bargaining unit employees. I have concluded that your petition may not be processed because you did not timely submit a showing of interest to support the petition.

A petition to decertify a union may be timely filed either during the "window period" of the current contract or after the contract has expired. In industries, except for healthcare providers, the window period for a contract whose duration is 3 years or less is the period between 90 days and 60 days prior to the expiration date of the contract.

Further, any petition filed by an employee seeking a decertification election must also be supported by evidence that at least 30 percent or more of the employees in the unit covered by the contract no longer wish to be represented by the union. This evidence is referred to as a "showing of interest." Under the Board's Statement of Procedures, Section 101.17, a showing of interest must be submitted within 48 hours of the filing of the petition, *but in no event later than the last day that a petition may be timely filed.*

The Employer and the Union are parties to a collective-bargaining agreement which is effective by its terms from January 24, 2005 through March 31, 2006. Your petition in this matter was filed on the last day of the applicable window period. It was not, however, accompanied by any showing of interest. Accordingly, as no showing of interest submitted after the filing date may now be accepted to support the petition, it is dismissed.

***Your Right to Obtain a Review of Dismissal Action:*** Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request for review with the National Labor Relations Board, 1099 14<sup>th</sup> Street, NW, Washington, DC 20570. If you file a request for review, you must also send a copy to the other parties to this proceeding and to me.

***Request for Review Due Date:*** The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. EST on **February 17, 2006**. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date.

***Extension of Time to File Request for Review:*** Upon good cause, the Board may grant special permission for a longer period within which to file a request for review. If you file a request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

***Request for Review Contents:*** The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties to this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Sincerely,

/s/ Gary W. Muffley

Gary W. Muffley  
Regional Director

GWM/dml

cc: Mr. Frank Waller - Waller Brothers Stone Co. - P. O. Box 157 - McDermott, Ohio 45652

Mr. R. Alan Lemons - Attorney at Law - Miller, Searl & Fitch - 806 Sixth Street,  
Suite 200 - P. O. Box 991 - Portsmouth, Ohio 45662

Mr. Randy Basham - Key Staff Representative - United Steelworkers of America,  
AFL-CIO-CLC - 11672 Gallia Pike, Suite 34 - Wheelersburg, Ohio 45694